IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:14-CV-433-FDW-DCK

MICHAEL EUGENE OWENS,)
Plaintiff,)
v.)) ORDER
) (
DILLARDS INC., and HIGBEE LANCOMS, LP,)
Defendants.)
Defendants.)

THIS MATTER IS BEFORE THE COURT on *pro se* Plaintiff's "Motion To Proceed In Federal Court, Or, In The Alternative, Motion To Stay Pending Mediation" (Document No. 23) filed on October 24, 2014. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will <u>deny</u> the motion.

The undersigned observes that Plaintiff filed a "Revised Motion To Proceed In Federal Court ..." (Document No. 24) on October 27, 2014, which appears to be intended to replace the original motion (Document No. 23).

IT IS, THEREFORE, ORDERED that *pro se* Plaintiff's "Motion To Proceed In Federal Court, Or, In The Alternative, Motion To Stay Pending Mediation" (Document No. 23) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that pursuant to the Honorable Frank D. Whitney's "Notice" (Document No. 22) filed October 16, 2014, Plaintiff shall have up to and including November 3, 2014 to file a brief in response to Defendants' Motion to Dismiss (Document No. 20).

Signed: October 27, 2014

David C. Keesler

United States Magistrate Judge